

## CA DPR Environmental Justice Advisory Workgroup Recommendations Draft

April, 2007

### Overview

This document contains the recommendations of the Environmental Justice Advisory Workgroup convened by the California Department of Pesticide Regulation. The group was charged with developing a set of advisory recommendations to the Department on how to best discharge its environmental justice responsibilities under legislative and California Environmental Protection Agency mandate. The Workgroup began meeting in July 2006 and concluded its recommendations in April 2007. Over this time the group met 10 times and conducted 40 hours of dialogue.

The group identified four consensus goals for the Department. For several of these goals the group also reached consensus on implementation objectives.

Goals and recommendations around which the group reached consensus are identified by ***bold italic sans serif type***.

### Goal 1:

***Ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes.***

### OBJECTIVES

#### A. Ensure Meaningful Public Participation

1. Require CACs to have a public outreach component
2. DPR should plan for public participation before embarking on new projects, programs or activities, determine what level of participation is appropriate and be transparent about why the level was chosen
3. Develop methods to work with CACs to be more responsive to incidence reports. DPR to create standards for responding to violations, including farmer notification of adverse incidents, and incorporate them into CAC negotiations and evaluations.
4. People should know how government works; their rights; how to participate; know policies and procedures and who to call in the counties and at DPR. DPR to make data more accessible and usable by providing a public participation handbook and education, especially around the misuse of products, as well as technical translation and assistance in these matters
5. DPR to develop innovative ways to do language-accessible community outreach within the cultural context of the community that facilitates the sharing of differing viewpoints and includes community-driven forums
6. Hiring practices that increase staff diversity

7. Evaluate all public participation activities by first creating a baseline measure regarding how DPR is perceived by the public in its participation efforts, tracking numbers and demographics of attendees and in particular first-time attendees and at public meetings, and asking participants to do meeting evaluations
  - a. We need to be able to interpret evaluations that are not skewed because someone didn't like the outcome vs. the process.
  - b. Attendees at forums should reflect the diversity of the community in which it's held
8. Conduct pilot projects on public participation and one that looks at capacity building and measure its success. Learn from the Parlier project to inform the pilot project, generate a report and evaluate, etc.
9. Create a report card for EJ task accomplishments and distinguish between "technical" (completing EJ tasks) and "substantive" (changes in impacts) outcomes
10. Ask DPR to do a capacity analysis.

B. Promote Community Capacity Building and Education (ranking scale of 8-1)

1. Building professional and community relationships between DPR, community groups, and the CACs.
2. The level of funding for this goal is important – the process of identifying needs and requesting them. Pursue and leverage resources at the county and regional levels.
3. EJ training for staff, CAC, DPR (\*Also a part of Goal 4?\*)
4. Partner (for example, with the Board of Supervisors) to build capacity.
5. Coordinate and interact with coops extension re: education.
6. Promoting community capacity should become intrinsic, not be an "add on."
7. Create an EJ ombudsman
8. Publicize and reward EJ success stories.

C. Effectively Participate in Environmental Decision Making Processes (ranking scale of 5-1)

1. Move away from "decide, announce and defend" decision-making by giving adequate notice:
  - a. Via a website
  - b. With information provided in various languages
2. Make it easier for people to contact DPR:
  - a. Expand number of hours they are open
  - b. Have multiple language capability
3. Acknowledge and respond to the inequities by proactively creating equitable processes.
4. Create a better relationship between DPR and Board of Supervisors

5. Develop more advisory committees and include communities in existing one so that communities' and farming preferences are included in DPR policies

**Goal 2:**

***Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.***

***DPR should develop a complaint/incident reporting mechanism that guides impacted parties to deliver all relevant information to CAC and/or DPR and assures feedback on initial response, progress of investigation and resolution. Initial response should include anticipated timelines and explanation of process.***

- 1) This should be coordinated by DPR working with CAC's and other interested parties so that reporting mechanisms (both to CAC's and response to complainants) is consistent statewide.***
- 2) Complaint reporting forms should be developed that allows for copies to be retained by CAC's, DPR, complainants, and individuals/entities being investigated. Form would contain a case number, information related to complaint, and all appropriate information related for individuals or groups to contact CAC's & DPR for follow-up information.***
- 3) Reporting form should include timelines for complainants to anticipate follow-up information from CAC's.***
- 4) DPR working with CAC's and other interested groups or parties should conduct outreach/educational training on how individuals can access system correctly.***

***DPR should develop mechanisms to provide the public with timely information concerning the progress, processes, outcomes, and responses to complaints and investigations.***

- 1) DPR working with CAC's and other interested groups or parties should conduct outreach/educational training on how individuals can access system correctly.***
- 2) DPR should review reporting mechanisms to assure that the system allows parties all information relevant to their complaint that is currently allowable by law.***
- 3) DPR should include as part of its annual review process with CAC's the timeliness of their communications with all impacted parties, and the consistency of CAC's meeting their responses timelines.***
- 4) Mechanisms should be developed on a statewide basis to assure consistency between counties in the reporting/response process.***

**Goal 3:**

***Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color, low-income populations, or both. Use research results to improve health in these communities.***

OBJECTIVES ([DC] = data collection; [DA] = data availability):

1. [DC] Simultaneous Air, Water & Biomonitoring: Collect data simultaneously in a given "EJ community" on levels of pesticides in the air, water and in people's bodies to examine if there is a correlation or not. The study should document how many pesticides are detected in a given area and address cumulative impacts. Should action be needed, determine appropriate remedies with community members. (Clarify "Biomonitoring" and correlation to exposure and in comparison with existing standards.)
2. [DC] Compile data and provide an analysis of gaps concerning collecting air monitoring data along a [true] gradient to measure concentrations of pesticides in the air as a function of distance from application sites.
3. [DC] Compile data and provide an analysis of gaps concerning DPR's monitoring of use of household products in "pilot project" communities.
4. ***[DC] Encourage/support research into alternatives to pesticide use, application methods that minimize or eliminate volatilization of materials, etc. and publicize successes.***
5. [DC] Partner with other subject matter experts/agencies to examine all factors (ie. ag chemical exposure, access to health care, smoking, alcohol use, diet, etc) that influence the health of communities of color, low-income or both with the goal of identifying those factors which have the greatest adverse impact. (Collapse into following objective.)
6. [DC] Partner with other subject matter experts/agencies to conduct comprehensive research, data collection and evaluation that looks at impacts of all environmental inputs, not just pesticides, and should also involve health evaluations of residents including diet, heredity and other health factors. (Clarify collaboration. Do we want to make DPR responsible for the "partnering"?)
7. [DC] Develop a team approach with healthcare providers to improve incident reporting, not depend just on illness reports. Collect information from local health care providers to identify routes of exposure. (Language tweak needed, and possibly add "communicate findings to community healthcare clinics".)
8. [DC] What was applied (pesticides) and reported (illnesses), a community survey (Geo.-based).
9. [DC] Identify all the inputs that we need to monitor (such as air, water and food) develop a standard metric through which to report that data, and collect data for those inputs where data is not already being collected.
10. [DC] Do research where there is an opportunity to collaborate and share the data with others.

11. [DC] DPR to collect data on misuse practices in the home to direct educational programs.
12. [DC] More multi-media, geo-specific monitoring, representing what is going on at the ground level.
13. [DA] DPR to structure research so that it can be built on.
14. [DA] IPM education program for consumers.
15. [DA] Implement a peer reviewed, science-based program along the lines of that described in the federal Data Quality Act, also referred to as the Information Quality Act (44 U.S.C. § 3516 note ), its implementing guidelines (67 Fed.Reg. 8452 (Feb. 22, 2002) and the Office of Management & Budget's Final Information Quality Bulletin (70 Fed.Reg. 2664 (Jan. 14, 2205)).
16. [DA] Make all information accessible to the regular citizen, not just policy specialists and consultants.
17. [DA] DPR should take into consideration the current requirements to test, approve and register low or reduced-risk pesticides that are currently having a great deal of difficulty being approved for use in California.

**Goal 4:**

***Ensure DPR is accountable for effective collaboration, coordination and communication within DPR, with CACs, and with other government agencies in addressing Environmental Justice.***

**OBJECTIVES:**

1. DPR to create a system for communicating with school superintendents (State and County) to encourage that all school district officials, employees and contractors know what to do in the event of a pesticide incident and to work with the school districts to evaluate the exposure risk.
2. DPR is to convene a cross-agency workgroup to coordinate agency actions, especially to provide information and education that identifies IPM opportunities, and encourages the use of IPM to effectively protect public health.
  - a. This workgroup should consist of a broad spectrum of agencies, including DPR, Public Health Departments, UC Extension, DHS, and Federal and State housing agencies.
3. Create a public information tool that describes the various agencies, their responsibilities regarding pesticide use, and their contact information, and make available in various languages.
4. Facilitate an annual input process from a wide range of stakeholders to identify regulatory gaps and inconsistencies, prioritize them for action in a public process and recommend DPR either resolve or advocate for resolution.
5. DPR and CACs to be involved in area plans to specify responsibilities in the case of an incident.

6. DPR to review and update MOUs regularly and make them available to interested parties.
7. DPR conduct an education program for employees with regards to their responsibilities and other agency responsibilities.
8. DPR to coordinate with OEHHA to ensure that medical staff recognize, report, and respond to pesticide related illnesses appropriately.

**Terms:**

***Enforcement is a tool for effective deterrence; it should be educational, include evaluations and measures of success and be consistent. The actions should be based on common sense and be transparent.***

***Accountability: The Department's actions have to be transparent. It requires follow up and follow through, and measures of success. The actions need to correspond to the mission and the vision of the DPR.***

## **Appendix 1: Workgroup Members**

### **Meeting Chair:**

Veda Federighi, Department of Pesticide Regulation

### **Workgroup Participants:**

Jena Ambacher, California Rural Legal Assistance Foundation

Martha Arguello, Physicians for Social Responsibility

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Gary Kunkel, Tulare County Agricultural Commissioner

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### **Facilitators:**

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## **Appendix 2: Small Group draft of recommendation to “Ensure meaningful public participation” objectives 2, 9 & 10**

### **What**

DPR will develop a public education program about how pesticides are regulated in California, the public’s opportunities to influence these processes and the public’s rights regarding pesticide use and exposure. This program will be conducted in a manner that is accessible to and consistent with the cultural contexts of diverse communities across the state. *[need some wording to define/explain/give examples of “cultural context” (Mily?). We could give a “for example” here, or refer to a full definition/explanation that we could put at another place in the document]*

### *Core information*

Specifically, the program will include at least information on:

- How DPR works – who does what
- Policies/procedures (e.g. complaints, certification process for PCAs etc.)
- Who to call if you’ve been exposed to pesticides
- What to contact & how regarding pesticide regulation in CA
- What’s legal/illegal regarding pesticide use
- More?

### **How**

The program must be comprehensive in terms of the communities it reaches and the manner in which information is provided. In addition to using more traditional educational techniques such as pamphlets (see below), new and innovative techniques must be used to ensure that communities without significant (or any) experience dealing with DPR and the CACs know how to navigate the world of pesticide regulation.

Establishing meaningful public participation requires both that communities understand better how pesticide regulation works and that regulatory bodies (DPR & CACs) understand the needs and concerns of communities. Building greater trust and understanding between communities and regulatory bodies will result in more effective regulation.

### *Interactive Workshops:*

An important pillar of the public education program is multi-stakeholder workshops or series’ of collaborative meetings at the county level that bring together regulatory bodies and low income communities, communities of color or both. These workshops will provide an in-person opportunity for regulatory bodies to explain the core information, above, to communities and allow communities to raise questions and explain their concerns and/or needs to regulatory bodies. Including other county agencies, such as First Responders, or local health clinics in these workshops could be very useful. Such workshops could help to identify important components of public education programs in each county.

### *Other media:*

In addition to workshops, the public education program will produce multi-media materials covering the core information stated above. Deciding how information is made available must be selected recognizing that certain media are more effective at reaching specific target



audiences than others (e.g. Spanish radio is a better way to reach farmworker communities than a printed handbook).

Options for methods to convey the core information include, but are not limited to:

- Written material: handbook, factsheets
- Visual print material, such as fotonovelas, cartoon drawing books etc.
- Radio: public service announcements
- TV

Cultural Context: [we could put an explanation here? We probably need an explanation with examples (which would be relevant to the whole document)]

*Basic principles of accessibility:*

When organizing meetings or providing print or other materials, DPR staff must make them accessible to target communities. This includes taking into account at least:

- language
- meeting times convenient for target communities (e.g. perhaps evenings or weekends)
- convenient locations
- without presence of management/supervisors
- child care

**Who**

As the only body with the mandate to implement such a program, DPR is the lead agency and will provide budget for the program. Implementation of the program will take place in collaboration with CACs. DPR will incorporate program elements into the annual workplan and budgets of the CACs through the MOUs [or whatever the annual agreement is called].

DPR will encourage local county agencies to share (some degree of) financial responsibility for the program to encourage local buy-in and cooperation.

Role of DPR regional offices?

*Next Steps for DPR:*

- Identify target audiences for the public education program
- Identify resource people/organizations in these communities to determine communication methods most effective at reaching this target community
- Prioritize certain counties for this work? Establish a pilot program in one or two counties first?

*[What else do we need to add to address the community capacity building piece? One thing that we've talked about is technical translation – how should we incorporate it? Are there other ideas to incorporate?]*

**Appendix 3: Original Goal 2 objectives are shown here. The group later combined these.****OBJECTIVES**

1. DPR's decision-making process is transparent including how public participation was used and what the outcome was and why. (Repeats Goal 1 objective)
2. Complaint system that is accessible, easy-to-use, and gives feedback.
3. Create local/county/regional stakeholder advisory groups to provide input to implementation strategies [county-level may create too many for the state to deal with in a meaningful, timely manner; regional may have some benefits for issues that cross county lines; county-level could make sense since each has a Board of Supervisors].
4. Investigation system has to be inclusive of all the interested parties.
5. Require CACs to develop EJ outreach programs with credible community partners and includes information on the laws of pesticide use and drift. (Repeats Goal 1 objective)
6. Create a DPR [handbook] with credible community partners for the public that is based on a needs assessment that educates on the mechanics of navigating DPR effectively. (Repeats Goal 1 objective)
7. Review and improve existing risk assessment policies including enforcement practices, product registration and permit conditions, etc. [This group needs to include members who are diverse and technically proficient to determine the adequacy. We need to determine which processes, who, how. Placeholder: is dial-in data working?]
8. Create an ongoing state multi-stakeholder advisory group to provide input to and feedback on regulations, policies, and systems. It starts with first contact and continues through to resolution.
9. Integrating notification and the right-to-know about pesticides. (Repeats Goal 1 objective?)
10. Develop a culture of EJ within DPR, which might include guidance for staff, training at the local level and EJ incorporated into staff evaluations. [EJ best management practices].

### Appendix 3: Proposed Goals 5 and 6

#### **Proposed Goal 5:**

Prevent harmful exposure in communities of color and/or low-income populations through an integrated approach, including:

- Encouraging less harmful alternatives, including non-chemical;
- Reducing use of the most harmful chemicals; and
- Reducing risk through mitigation strategies and reduced-exposure technologies.

Discussion of terms to use within Goal 5:

1. *Definition of EJ community:* The current legal definition versus a definition that guides implementation
2. *Use vs. Exposure:* The members are not ready to correlate these.
3. *Use vs. Misuse:* Misuse is clearly covered under DPR's mandate, the question arises when legal use may cause unintended harm.

Objectives related to "encourage less harmful alternatives" (discussion points, not agreements):

1. Incentives and disincentives for less harmful/harmful pesticides
2. Training programs for those who want to switch methods, work less harmfully
  - a. Working with growers and asking them what they need
3. Grants to measure efficacy of alternatives
4. Include EJ as a factor in granting programs
5. Affirmatively solicit community input for grant programs
6. Check to see if feedback loop is present in Objective 3

Issues with definitions:

1. We can't move very far forward if we can't define "harmful."
2. The group agrees to reducing impacts, but doesn't agree that reducing use would reduce exposure and therefore reduce impacts.

#### **Proposed Goal 6:**

"Protect public health from exposure to pests that can cause disease through reduced risk strategies, IPM, and non-chemical means along with judicious use of pesticide products when necessary."

*N.B.* The group did not discuss whether or not to include this goal subsequent to its proposal.